

PART I

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October 11, 2007

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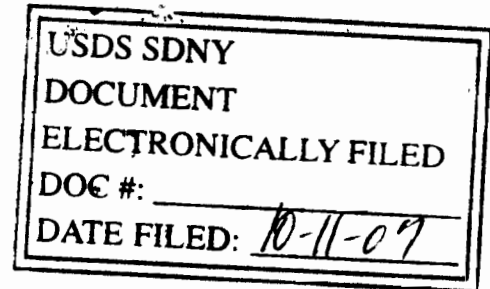
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**VIA TELECOPIER**

The Honorable Victor Marrero  
United States District Judge  
United States District Court  
United States Courthouse  
500 Pearl Street, Room 660  
New York, New York 10007



Re: Buena Vista Home Entertainment, Inc., et al. v.  
Wachovia Bank, N.A., et al.,  
**Case No. 07-CV-08423 (UA)**

Dear Judge Marrero:

This firm represents the appellants (the "Appellants") in the above-referenced appeal from an order of Judge Stuart M. Bernstein, Chief United States Bankruptcy Judge, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, made applicable by Rule 7012 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules"), dismissing the complaint filed by Appellants in the Bankruptcy Court.

The appeal was docketed in this Court on September 28, 2007, and on the same day, was referred to Judge Batts as possibly related to Case No. 07-cv-595 which had previously been assigned to her. However, last night, we learned from Judge Batts' law clerk that she is not accepting the case and that it will be returned to the wheel for assignment. To date, the case is still designated as "unassigned" on the docket. We understand that you are serving as the Part I Judge this week, and because, as described below, this matter is some urgency, we are writing to you in that capacity.

Specifically, pursuant to Bankruptcy Rule 8009, Appellants' initial brief would be due next week on October 15, 2007, the brief of the appellees (the "Appellees") would be due fifteen days

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thereafter on October 30, 2007, and Appellants' reply brief would be due on November 9, 2007. However, all parties have agreed to a briefing schedule pursuant to which Appellants' initial brief will be filed on or before November 2, 2007, Appellees' brief will be filed on November 30, 2007, and Appellants' reply brief will be filed on December 21, 2007.


We respectfully request that Your Honor approve the schedule set forth above. Thank you for your consideration of this matter.

Respectfully submitted,

  
Beth E. Levine

BEL/kgb

cc: Richard Haddad, Esq., Counsel for Appellee Wachovia Bank, N.A. (by telecopier)  
Frederick Lochbihler, Esq., Counsel for Appellee Harris, N.A. (by telecopier)

<i>Request GRANTED. The briefing schedule with respect to the appealed this action shall be as set forth above: Appellants' brief 11-2-07; Appellees' response 11-2-07; reply 12-21-07.</i>	
SO ORDERED:	
<i>10-11-07</i>	
DATE	VICTOR MARRERO, U.S.D.J.

*Part I*